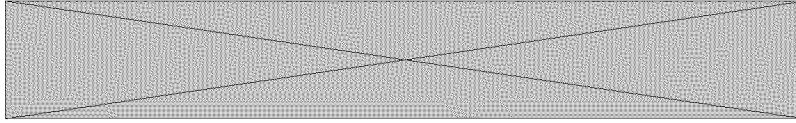
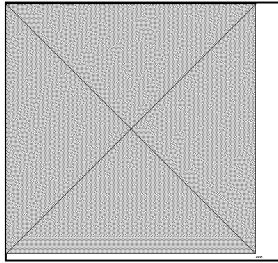
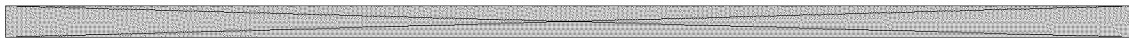
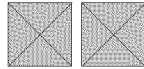


**To:** Curtin, Paula[Curtin.Paula@epa.gov]  
**From:** West Virginia Record Newsletter  
**Sent:** Wed 4/9/2014 3:04:10 PM  
**Subject:** West Virginia Record News Alert -- Another water suit, former Pocahontas Co. prosecutor indicted, new cases and much more!

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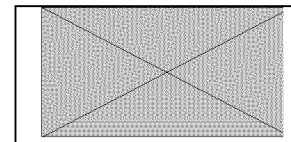
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## Another class action filed in water saga

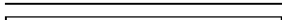
CHARLESTON -- Another potential class action has been filed in the wake of January's chemical spill that contaminated the drinking water of more than 300,000 West Virginians. Summer and Robert Johnson of Charleston are listed as the plaintiffs in the federal lawsuit filed March 25 in Charleston. Freedom Industries, West Virginia American Water, American Water Works and Eastman Chemical are named as defendants. WVAWC's intake facility along the Elk River is just more than a mile downstream from the Freedom Industries site where an estimated 10,000 gallons of crude MCHM leaked Jan. 9. More than 300,000 residents in parts of ...

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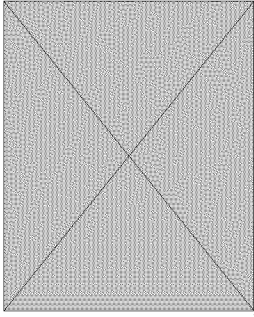


## Not every disability can be accommodated

Eight-year-old Tommy knocks on the front door of a neighbor's home and a lady answers. "Hi, Mrs. Johnson," he says. "Can Billy come out and play baseball with us?" With a sad face, Mrs. Johnson replies: "Tommy, you know Billy has no arms and legs." "That's okay, Mrs. Johnson," Tommy responds. "We just need a home plate." Nobody tells tasteless jokes like that anymore, not even eight-year-old boys, and the world is a better place as a consequence. Still, there may be an insight to be gleaned from this particular example of sick humor. For one thing, certain disabilities preclude ...



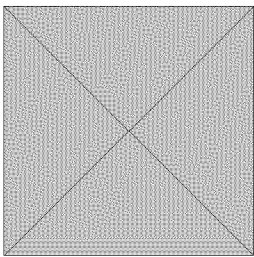
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## **Legislature should restore overtime exemptions**

By BRIAN M. PETERSON MARTINSBURG -- On April 1, Gov. Earl Ray Tomblin signed a minimum wage bill into law which inadvertently strips away numerous federal overtime exemptions currently available to West Virginia employers. In order to make the minimum wage hike applicable to as many employers as possible, the law eliminated a broad employer exemption from the state law. That change had the inadvertent effect of also making the state's outdated overtime rules applicable to nearly every employer in the state. Under state law, the minimum wage is set by the West Virginia Minimum Wage and Maximum Hours Standards ...

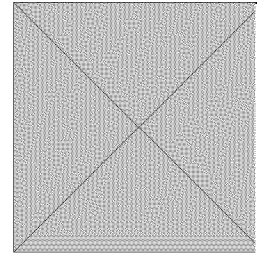
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## **Woman says she was fired after making sexual discrimination claim**

CHARLESTON -- A Kanawha County woman is suing over claims her employment was terminated after she complained of sexual discrimination. Janice Gwinn filed a lawsuit March 14 in Kanawha Circuit Court against TRG Customer Solutions Inc. and Roy Steven Thomas, citing violations of the West Virginia Human Rights Act. According to the complaint, throughout 2011, female employees of TRG experienced unfair treatment, lower salaries and ridicule during meetings due to their gender, and on June 30, 2011, Gwinn filed a complaint regarding the mistreatment. Gwinn says she was laid off on March 16, 2012, in reprisal of her complaints. Gwinn ...

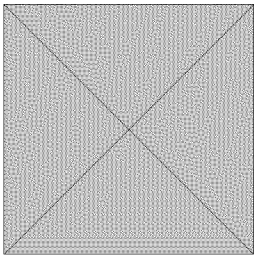
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## **Marshall Board of Governors named in medical malpractice suit**

HUNTINGTON -- An Ohio woman is suing over claims surgery to remove her gallbladder was negligently performed by a West Virginia doctor. Regenia Kidd filed a lawsuit March 12 in the Southern District Court of West Virginia against Gerald McKinney M.D. and the Marshall University Board of Governors, citing medical professional liability. According to the complaint, on Aug. 18, 2011, Kidd underwent surgery during which her gallbladder was removed by McKinney. Kidd says after several subsequent visits to McKinney due to abdominal pain and even admission to the hospital, she was diagnosed with gallstone pancreatitis and discharged. According to the ...

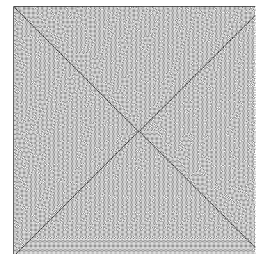
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## **Former Pocahontas prosecutor indicted for embezzlement**

MARLINTON – The former Pocahontas County prosecuting attorney has been indicted on felony charges of embezzlement. On Tuesday, a grand jury indicted Donna Meadows Price for allegedly embezzling more than \$1,000 during her tenure as the county prosecutor from June 2009 to December 2012. While she wasn't indicted on a count of grand larceny, the indictment also claims she stole almost \$4,000 in goods on her last day of office in December 2012. That list includes three iPad 2s, various law books, office supplies and equipment, paper shredders, a space heater, a printer stand and Nook accessories. Price was defeated ...

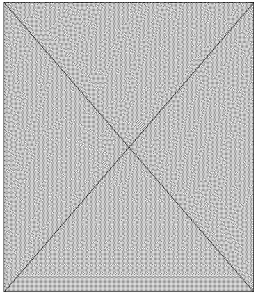
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## **Man says companies withdrew job offer**

PINEVILLE -- A man is suing two companies in the coal industry after they failed to hire him for a job they had promised him. Mirland Richmond filed a lawsuit in Wyoming Circuit Court on March 11 against Mechel Bluestone Inc. and Dynamic Energy Inc., citing violations of the West Virginia Human Rights Act. The lawsuit states Richmond applied for an open coal miner position in June 2012 with Mechel Bluestone Inc. and Dynamic Energy Inc. and was told he would be hired. The defendants required Richmond to get a physical, which Richmond failed, the complaint said. The job offer ...

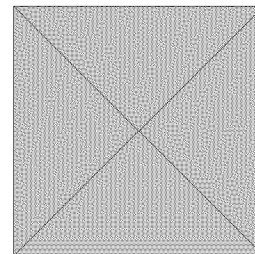
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## **AG's office reaches \$1.2M settlement in auto title lender case**

MARTINSBURG — West Virginia Attorney General Patrick Morrisey recently announced that his office has reached a \$1.2 million settlement with Fast Auto Loans Inc. and Virginia Auto Loans Inc. As part of the settlement in Jefferson Circuit Court, the two title loan companies agreed to close all accounts and zero-balance any debt owed by West Virginia-based consumers within 60 days. In addition, the loan companies agreed to return any vehicles that were seized from West Virginia consumers that have not yet been sold and remove any and all liens on vehicle titles. The companies agreed to cancel approximately \$816,000 in ...

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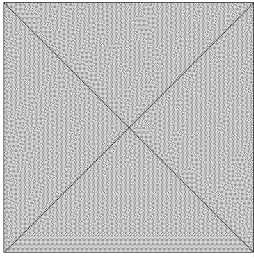


## **Morrisey warns of 'profiling' phone calls**

CHARLESTON — Attorney General Patrick Morrisey has warned West Virginians to be aware of a unique scam that is “profiling” consumers to later set them up for future scams. “Once again, scammers are finding a new, deceptive way to gather information on local consumers so they may scam them later on,” Morrisey said in a press release. “In these instances, callers do not ask for money or personal information, rather they ask more general questions about the consumer’s financial history, such as recent purchases, loans, or investments. “Our office

always urges consumers to do their homework before ever surrendering any ...

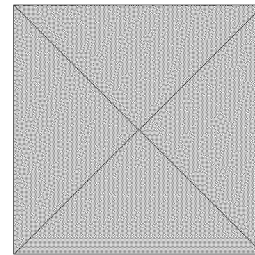
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## **Tenant accuses housing authority of negligence**

CHARLESTON -- An apartment tenant is suing after slipping and falling, resulting in injury. Frances Banks filed a lawsuit March 14 in Kanawha Circuit Court against Charleston-Kanawha Housing Authority and Housing Innovations Corp., citing negligence. The complaint states on March 19, 2012, Banks sustained injury when she slipped and fell on a wet substance while exiting the elevator at the defendant's Lee Terrace apartment building at 1319 Lee St., Charleston. The plaintiff alleges the defendant's negligence caused her injuries. The plaintiff is seeking an undisclosed amount in damages. Banks is being represented by Truman Griffith of Warner Law Offices PLLC. ...

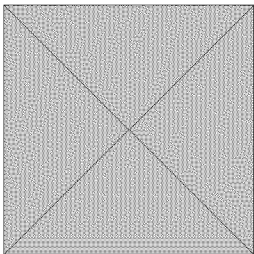
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## **Doctor, clinic hit again with sexual harassment suit**

BECKLEY -- A Greenbrier County woman is suing over claims she was sexually harassed by her doctor. Donna Dillard filed a lawsuit March 7 in Raleigh Circuit Court against Hope Clinic PLLC and John H. Pellegrini D.O., citing sexual harassment. According to the complaint, beginning in April 2012, Dillard saw Pellegrini during which time she experienced inappropriate touching and sexual assault. Dillard says she refrained from reporting the incident in fear of her care being dismissed from the clinic, but when she finally reported the incident to the office manager, she was required to take a drug test. Dillard says ...

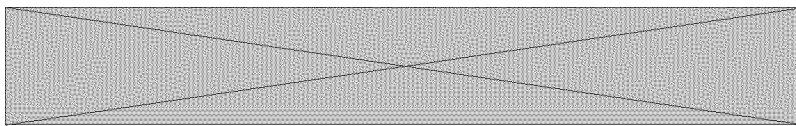
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## Law firm let statute of limitations expire, woman claims

KINGWOOD -- A Preston County woman is suing over claims her lawyer in a personal injury case failed to properly represent her. Darci Glover filed a lawsuit March 13 in Preston Circuit Court against Hyre Law Office PLLC and Lisa Hyre, citing professional malpractice. According to the complaint, on March 18, 2011, Glover was seriously injured in a car collision, and Jan. 30, 2012, she hired Hyre to represent her in the claim for damages. Glover says Hyre and the firm failed to properly develop her claim, not settling or filing suit within two years, which meant the case was ...

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